

## **REMARKS**

Claims 1-20 are now pending in the application. Minor amendments have been made to the specification and claims to simply overcome the objections to the specification and rejections of the claims. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein. Further, new Claims 21 and 22 have been added.

## **OBJECTION TO THE DRAWINGS**

In the Office Action, the Examiner has objected to Figs. 6 and 7. With regard to Fig. 7, the Examiner has objected to the drawing because reference character 28 has been used to designate both recliner rod and housing. A correction has been made in the proposed Fig. 7, which includes reference character 24 properly referencing the housing. The Examiner has also objected to Fig. 6 because an indication line lacks a number designation. The indication line has been removed. Proposed drawing changes have been submitted in a separate paper. Further, formal drawings have been submitted with this paper.

## **REJECTION UNDER 35 U.S.C. § 102**

Claims 1, 5-9, and 12 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Dahlbacka (U.S. Pat. No. 5,344,215). Claims 1 and 8 are independent claims from which Claims 5-7 and 9, 12 depend, respectively. This rejection is respectfully traversed.

At the outset, Applicants note that Dahlbacka '215 does not teach the invention of Claims 1 and 8, which include a latching mechanism actuatable relative said housing between a latched position and an unlatched position. Dahlbacka '215 shows a locking mechanism 80 that is provided on the housing 56 to selectively engage the rod 54 (Column 4, Ins. 35-37). More specifically, the Dahlbacka '215 locking mechanism 80 is no more than teeth 80 formed in the housing 56 and shaped complimentary to teeth 72 on the connecting rod 54. Thus, the Dahlbacka '215 locking mechanism 80 is formed in the housing and is not coupled to the housing nor actuatable relative the housing between a latched and an unlatched position as claimed in the present application. Rather, for Dahlbacka '215's locking mechanism to unlatch, the housing itself must be rotated away from the connecting rod. Col. 6, Ins. 17-22. Because Dahlbacka '215 does not anticipate the claimed invention, Applicants request that the Examiner withdraw his rejection of Claims 1 and 8.

More specifically addressing Claims 5 and 6, Applicants disagree with the Examiner that Dahlbacka '215 shows a guide mechanism as included in Claim 5 of the present invention. The Examiner maintains that part 62 is a guide mechanism, but part 62, as described in the specification of Dahlbacka '215, is a spring retainer. Further, Claim 6, which is dependent from Claim 5, states that the guide mechanism of the present application may be a plurality of rivets coupled to the housing. Applicants note that Dahlbacka '215 does not utilize rivets or any other comparable type of device to guide the recliner rod. Therefore, Applicants request that the Examiner withdraw his rejection of Claims 5 and 6 for the reasons set forth above with regard to Claim 1, as well as the arguments stated in this paragraph.

With respect to Claims 7, and 9 and 12, Applicants note that Claim 7 is dependent from Claim 1 and Claims 9 and 12 are dependent from Claim 8, each of which has been addressed above. Therefore, Applicants request that the Examiner withdraw his rejection of Claims 7, 9 and 12 for at least the same reasons as set forth above regarding Claims 1 and 8.

**REJECTION UNDER 35 U.S.C. § 103**

Claims 4, 13-15, and 17-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Dahlbacka (U.S. Pat. No. 5,344,215). This rejection is respectfully traversed.

With respect to Claim 4, Applicants submit that the hexagonal cross section of the recliner rod of the present application was not disclosed by Dahlbacka '215. Rather, Dahlbacka '215 discloses a recliner rod having a rectangular cross section. The Examiner incredulously maintains, however, that hexagonal "is basically the same as" rectangular cross section. Applicants strongly disagree. Further, despite the Examiner's position that the claimed cross section exists "for only aesthetic purposes," the hexagonal cross section of the present invention, as stated in the specification, eases the task of fixturing and retaining the reclining rod as the teeth are machined. Page 6, Ins. 10-14). Thus, it is not simply an issue of aesthetics. More significantly, such a cross section is not taught or suggested by Dahlbacka '215. Additionally, Applicants note that Claim 4 is dependent from Claim 1, which has been addressed above. Therefore, Applicants request that the Examiner withdraw his rejection of Claim 4 for the reasons stated here and the arguments set forth above regarding Claim 1.

With respect to Claim 13, Applicants note that Claim 13 claims a recliner rod, but does not recite a hexagonal cross section as specifically rejected by the Examiner in his Office Action. Because the Examiner has not specifically analyzed the claim in light of the reference, instead only conclusorily stating that Dahlbacka '215 teaches the claimed invention, Applicants cannot know how the Examiner believes a proper rejection of the claim has been made. Applicants note that Dahlbacka '215 does not disclose a recliner rod having top and bottom flats, an integrally formed paddle and stop, as well as a plurality of teeth. Until the Examiner explains the rejection of Claim 13, a more responsive argument cannot be made. Nonetheless, Applicants believe the claimed invention defines over the prior art of record and request the Examiner to reconsider and withdraw the rejection of Claim 13.

With respect to Claims 14, 15 and 17, Applicants note these claims are dependent from independent Claim 13, which has been addressed above. Therefore, Applicants request that the Examiner withdraw his rejection of Claims 14, 15 and 17 for at least the same reasons as set forth above regarding Claim 13.

With respect to Claims 18-20, Applicants initially note that the Examiner has not applied the cited prior art reference to the claims, instead relying on a conclusory statement that the claims are disclosed by Dahlbacka '215. Without the Examiner having applied the art to the claim to explain his position, it is very difficult for Applicants to respond fully. Applicants do note, however, that Claims 18-20 include deforming a blank to define a paddle, stop and teeth. Dahlbacka '215 does not disclose each step of the claimed method. Additionally, Applicants submit that Claims 18-20 pertain to a method of forming the recliner rod of the present application. The cited prior art does

not disclose a method of forming a recliner rod, rather only disclosing a recliner mechanism. Therefore, Applicants request that the Examiner withdraw his rejection of Claims 18-20.

Claims 2, 3, 10, 11, and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Dahlbacka (U.S. Pat. No. 5,344,215) in view of Martone et al. (U.S. Pat. No. 5,618,083). This rejection is respectfully traversed.

With respect to Claims 2, 3, 10 and 11, Applicants note these claims depend from Claims 1 and 8, which have been addressed above in light of Dahlbacka '215. Martone et al. '083 does not cure the deficiencies of Dahlbacka '215. Therefore, Applicants request that the Examiner withdraw his rejection of Claims 2, 3, 10 and 11 for the reasons set forth above in response to his §102 rejection of Claims 1 and 8.

Referring further to Claims 3 and 11, Applicants note that Claims 3 and 11 recite the use of a stop integrally formed in said recliner rod. Martone et al. '083 recites the use of a stop pin 52 that extends through a hole 54. However, this feature, as shown in Fig. 4, is not integrally formed in the recliner rod. The inclusion of an integrally formed stop provides several advantages over a recliner rod having a stop that is not integrally formed, such as lower manufacturing and assembly costs. Therefore, Applicants request that the Examiner withdraw his rejection of Claims 3 and 11 for the reasons stated in this paragraph and for the reasons set forth above regarding his rejection of Claims 1 and 8.

With respect to Claim 16, Applicants note that Claim 16 directly depends from dependent Claim 15, and indirectly depends from independent Claim 13, both of which

have been addressed above. In light of the above arguments, Applicants request that the Examiner withdraw his rejection of Claim 16.

**CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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### ATTACHMENT FOR SPECIFICATION AMENDMENTS

The following is a marked up version of each replacement paragraph and/or section of the specification in which underlines indicates insertions and brackets indicate deletions.

A linear seat recliner for use in a motor vehicle having a seat with a seat back pivotally connected to a seat bottom. The seat is operable in a plurality of use positions ranging from an upright position to a fully reclined position. The linear seat recliner includes a housing adapted to be coupled to one of the seat back and the seat bottom, a latching mechanism coupled to the [said] housing, and a recliner rod. The recliner rod includes a body having a first end and a second end. The body has a substantially planar top flat diametrically opposed and parallel to a substantially planar bottom flat. The top flat includes a plurality of teeth positioned at the first end of the body. The first end of the recliner rod is selectively engageable by the latching mechanism and the second end of the recliner rod is adapted to be coupled to the other of the seat back and the seat bottom.

## **ATTACHMENT FOR CLAIM AMENDMENTS**

The following is a marked up version of each amended claim in which underlines indicates insertions and brackets indicate deletions.

1. (AMENDED) A linear seat recliner for use in a motor vehicle having a seat with a seat back pivotally connected to a seat bottom, the seat being operable in a plurality of use positions ranging from an upright position to a fully reclined position, the linear seat recliner comprising;

    a housing adapted to be coupled to one of the seat back and the seat bottom;

    a latching mechanism coupled to said housing[.] and actuable relative said housing between a latched position and an unlatched position; and

    a recliner rod including a body having a first end and a second end, said body having a substantially planar top flat diametrically opposed and parallel to a substantially planar bottom flat, said top flat including a plurality of teeth positioned at said first end of said body, said first end of said recliner rod selectively engaged with said latching mechanism and said second end of said recliner rod adapted to be coupled to the other of the seat back and the seat bottom[.]; and

    wherein said latching mechanism prevents relative axial movement of said recliner rod when in said latched position and said latching mechanism allows relative axial movement of said recliner rod when in said unlatched position.

8. (AMENDED) A reclining seat assembly comprising:

a seat bottom having a side rail;

a seat back having a support rail pivotally coupled to said side rail;

a linear seat recliner including a housing secured to one of said side rail and said support rail[,];

a recliner rod having a first end supported for relative linear motion within said housing and a second end having an aperture, said recliner rod having a substantially planar top flat and a substantially planar bottom flat positioned parallel thereto, said second end pivotally coupled to the other of said side rail and said support rail[.]; and

a latching mechanism coupled to said housing and actuatable relative said housing between a latched position where said latching mechanism prevents relative axial movement of said recliner rod and an unlatched position where said latching mechanism allows relative axial movement of said recliner rod.